

## POLICIES AND PROCEDURES MANUAL

<b>Chapter:</b>	<b>Finance</b>		
<b>Title:</b>	<b>Transfer of CMHSP Care Responsibility</b>		
<b>Policy:</b> <input checked="" type="checkbox"/> <b>Procedure</b> <input type="checkbox"/> <b>Page:</b> 1 of 2	<b>Review Cycle:</b> Biennial  <b>Author:</b> Operations Council	<b>Adopted Date:</b> 03.07.2017 <b>Review Date:</b> 05.09.2023	<b>Related Policies:</b>

### **Purpose**

Lack of statutory clarity with respect to establishing County of Financial Responsibility (COFR) has, in some cases, resulted in delays of appropriate services to consumers, protracted disputes and inconsistency of resolution across the state. This is particularly true for consumers who have never received services from a state operated facility and for whom financial responsibility is thus not addressed directly by Chapter 3 of the Mental Health Code. Community Mental Health Services Programs (CMHSPs) are statutorily responsible for serving persons ‘located’ in their jurisdiction even when responsibility for payment is in question.

In order to respect the residency preferences of persons served in the geographic area, offer seamless regional access to specialty mental health services and reduce administrative burden, the Mid-State Health Network (MSHN) Prepaid Inpatient Health Plan (PIHP) and its CMHSP Participants have agreed to a regional Transfer of Care Responsibility policy as a supplement to existing COFR practices for Medicaid and Healthy Michigan Plan (HMP) recipients.

### **Policy**

1. As a general rule, MSHN and its CMHSP Participants will abide by the County of Financial Responsibility Technical Requirement for CMHSPs of the Michigan Department of Health and Human Services/CMHSP Managed Mental Health Supports and Services Contract. This document is incorporated to this policy by reference and will be applied to all existing service arrangements and new service requests received by CMHSPs in the MSHN region.
2. MSHN and its CMHSP Participants will consider exceptions to the general COFR rule in section II.A of the County of Financial Responsibility Technical Requirement for CMHSPs regarding change in residency of persons that have an established COFR in the 21 county MSHN PIHP geographic area, provided all of the following requirements are met:
  - a. Person requesting the change is an adult and has a personal or familial interest in the residency change that is unrelated to specialty mental health services and supports.
  - b. Person is presumed competent or if not, the change is authorized by a duly established legal guardian or representative.
  - c. Person is seeking a change in residency to another county within the MSHN region.
  - d. Person intends to reside in the county permanently or indefinitely.
3. CMHSP Participants that have persons in service that meet exception requirements to the general COFR rule will discuss the potential change in care responsibility during the contract negotiation process with the destination CMHSP in the MSHN region. CMHSP Participants will work collaboratively to obtain a consensus that supports the person’s change in residency and ensures a seamless transition of services.
4. The CMHSP Participants will establish a mutually agreeable timeline for permanent change in the CMHSP care and financial responsibility that honors the person’s desired timeline for change in residency but will not exceed 6 months.

CMHSP Participants that are unable to reach mutual agreement regarding permanent transfer of COFR within the MSHN region may pursue remedy through the Dispute Resolution Process as outlined in the MSHN Operating Agreement, Article VIII.

**Applies to:**

- All Mid-State Health Network Staff
- Selected MSHN Staff, as follows:
  - MSHN CMHSP Participants:  Policy Only  Policy and Procedure
  - Other: Sub-contract Providers

**Definitions:**

**CMHSP: Community Mental Health Services Program:** A program operated under Chapter 2 of the Michigan Mental Health Code-Act 258 of 1974 as amended.

**COFR: County of Financial Responsibility:** As defined in Section 1306 of the Mental Health Code, the county of financial responsibility is the county in which the individual maintained his or her primary place of residence at the time he or she entered 1 of the following: (a) A dependent living setting, (b) A boarding school or (c) A facility.

**MSHN: Mid-State Health Network:** A regional entity formed for the purpose of carrying out the provisions of Section 1204b of the Mental Health Code relative to serving as the prepaid inpatient health plan to manage Medicaid specialty supports and services.

**PIHP: Pre-paid Inpatient Health Plan:** An organization that manages Medicaid specialty services under the state’s approved Concurrent 1915(b)/1915(c) Waiver Program, on a prepaid, shared-risk basis, consistent with the requirements of 42 CFR part 401, as amended, regarding Medicaid managed care.

**Other Related Materials:**

“County of Financial Responsibility Technical Requirement for CMHSPs”, of the Michigan Department of Health and Human Services/Community Mental Health Services Program Managed Mental Health Supports and Services Contract

**References/Legal Authority:**

1. The Social Welfare Act, Act 280 of 1939, MCL 400.32(2), “resident of state” defined.
2. Michigan Mental Health Code, Act 258 of 1974, MCL 330.1306 (1), “determining individual’s county of residence”.

**Change Log:**

<b><u>Date of Change</u></b>	<b><u>Description of Change</u></b>	<b><u>Responsible Party</u></b>
August 2016	New Policy	Operations Council
03.2018	Annual Review	Operations Council
03.2019	Policy Update	Chief Financial Officer
01.2021	Biennial Review	Chief Financial Officer
01.2023	Biennial Review	Chief Financial Officer